



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

Paper No. 11

RATNER AND PRESTIA  
Suite 301  
One Westlakes, Berwyn  
P.O. Box 980  
Valley Forge PA 19482-0980

**COPY MAILED**

**JUL 03 2002**

**OFFICE OF PETITIONS**

In re Application of: :  
Kato et al. :  
Serial No. 09/871,283 : DECISION GRANTING PETITION  
Filed: May 13, 2001 :  
Attorney Docket No. MTS-3253US :

This is a decision on the petition filed January 9, 2002, under 37 CFR 1.182 requesting that the original drawings filed on May 13, 2001 in the above-identified application be accepted even though they contain non-English text. The petition will be treated under 37 CFR 1.183.

On August 20, 2001 the Office of Initial Patent Examination (OIPE) mailed a "Notice to File Missing Parts of Nonprovisional Application" requiring petitioners to submit filing fees, an oath/declaration, surcharge for their late filing and substitute drawings because the drawings contained non-English text.

On October 19, 2001 petitioners filed an executed declaration and the surcharge.

On November 15, 2001 OIPE mailed a "Notice of Incomplete Reply of Nonprovisional Application" informing petitioners that petitioners still owed filing fees and were required to file substitute drawings.

On December 26, 2001, OIPE withdrew the November 15, 2001 "Notice of Incomplete Reply of Nonprovisional Application" and informed petitioners that the application was complete.

On January 9, 2002, petitioner filed the present petition.

Petitioners are correct in that a petition is necessary to request suspension of the rule that requires the use of the English alphabet in drawings. 37 CFR 1.84(p)(2). The December 26, 2001 withdrawal of the "Notice of Incomplete Reply of Nonprovisional Application" should have been limited to financial issues solely.

Petitioners have established that the very nature of the invention, methods of processing text, requires figures in Japanese language and in English language. Some of the text being processed is English text and other text is Japanese text. Because having Japanese text in the drawings is intrinsic to the nature of the invention, the Japanese text will be treated as part of the image and will be permitted. The application will be examined as filed.

The petition is **GRANTED**.

The application file will be forwarded to Technology Center 2600 for examination in due course.

Telephone inquiries pertaining to this decision should be directed to Petitions Attorney E. Shirene Willis at (703) 308-6712.



Beverly M. Flanagan  
Supervisory Petitions Examiner  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy



E. Shirene Willis  
Petitions Attorney  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy